

Barton Willmore on behalf of Miller Homes (Representor ID R01244)

St Helens Local Plan Examination

Matter 3: Spatial Strategy and Strategic Policies

Issue 1: Previously developed land and housing densities

Policy LPA02 refers to the re-use of previously developed land in key settlements being a key priority. Section 11 of the Framework refers to making effective use of land.

Q1 Is there any inconsistency between LPA02 and the Framework in relation to its approach to brownfield land?

1. In respect of brownfield land, Policy LPA02 states that the re-use of previously developed land in Key Settlements will be a priority, and that a substantial amount of housing will be delivered on such sites throughout the Plan period. The Policy then sets out that the delivery of development on brownfield sites will be encouraged by setting lower thresholds for developer contributions to reflect higher build costs and lower sales values typically associated with such sites.
2. Section 11 of the Framework encourages the redevelopment of suitable brownfield land within settlements for homes. However, it stops short of advocating a sequential approach to the development of land that sees previously developed land prioritised over greenfield land; such an approach would not, therefore, be consistent with the Framework. We do not consider that Policy LPA02 (3) can be interpreted as prioritising previously developed land *over* greenfield land, but instead is rightly encouraging the use of previously development land in the most sustainable locations, such as the Key Settlements. Our Client does not, therefore, have any objections to such an approach, and indeed welcomes the Council's recognition that developing brownfield sites often incur higher build costs. Our Client welcomes the emphasis in the Spatial Strategy of Key Settlements being the focus of growth in the Borough throughout the Plan period and beyond.

Section 3 of Policy LPA05 sets out the densities that housing development should aim to achieve depending on where the site is located. In response to preliminary questions the Council has suggested a MM to the policy (SHBC001 – PQ44).

Q2 Would Section 3 of Policy LPA05 ensure that optimal use is made of sites as set out in paragraph 123 of the Framework?

3. As written, part 3 of Policy LPA05 states that new development should optimise the amount

of housing developed on a site, and prescribes a series of minimum targets: a) 40dph on sites adjacent to St Helens or Earlestown Town Centres, b) 30dph on sites that are within or adjacent to a district or local centre or in other locations that are well served by frequent bus or train services; and c) at least 30 dph on other sites that are within an existing urban area. The policy goes on to state that lower densities will only be considered where it is required to deliver a clear planning objective.

4. In answering the Inspector's preliminary questions, the Council has essentially suggested merging categories b) and c) above, meaning that all urban sites will be expected to achieve a minimum of 30dph unless within or adjacent to either St Helens or Earlestown Town Centres, where minimum densities of 40dph will be required.
5. Whilst our Client considers that the amended policy (as set out in PQ44) would potentially achieve optimal use of sites as per paragraph 123 of the Framework, and welcomes the degree of flexibility afforded by the policy with regard to lower densities, they remain of the view that the Plan should avoid imposing specific requirements for residential sites at a Borough-wide level, as this may prevent otherwise sustainable sites from being delivered, or could potentially lead to the inappropriate development of sites in order to reach fixed targets, to the detriment of high quality place making. Whilst it is right to encourage the use of higher densities to achieve an efficient use of land in appropriate locations, the density of housing should be site specific, having regard to the character, constraints and opportunities of each site and its surroundings, in addition to identified local housing needs.
6. Our Client would therefore request that part 3 of Policy LPA05 be amended, to remove specific targets and provide a more general wording, to the effect that development proposals will demonstrate that the density of the proposed development has optimised the land available. This would allow the policy to be more closely aligned with the Framework with regard to proposed densities.

Issue 2: Green Belt and Exceptional Circumstances

The Framework requires that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. The Council, in seeking to meet its housing and employment needs, suggest that sites on the edge of settlements which are currently Green Belt, are required. In proposing such release, the Council suggests that there are insufficient sites within built-up areas.

Q3 Does the presence of Green Belt provide a reason for restricting the overall scale of development proposed by the Plan (paragraph 11. b) i of the Framework)?

Q4 Have, in principle, exceptional circumstances been demonstrated for the alteration of Green Belt boundaries?

7. Paragraph 11 b)i. of the Framework provides that strategic policies should, as a minimum, provide for objectively assessed needs and the unmet needs of neighboring authorities unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area. Footnote 6 confirms that the Green Belt policies of the Framework are relevant to this consideration.
8. It is also noted, however, that paragraph 136 of the Framework provides that Green Belt boundaries can be altered where exceptional circumstances are fully evidenced and justified, through the preparation and updating of Plans.
9. Therefore, the new Local Plan provides for an opportunity to assess whether such circumstances exist, to review the performance of the Green Belt, and whether its boundaries should be altered to meet the requirement for new housing and employment land over the Plan period and beyond. Notwithstanding our Client's position on the Borough's housing requirement (discussed in our Client's response to Matter 2 it is clear that the Council will not be able to meet the Borough's development needs for housing, including affordable housing, and employment on brownfield sites alone and that exceptional circumstances exist to warrant a review of the Green Belt, particularly in the context of the Council's Vision and growth ambitions.
10. The Council's Green Belt Review (SD020 and SD021) demonstrates that there are land parcels currently in the Green Belt that do not necessarily serve Green Belt purposes. St Helens cannot meet its growth ambitions without releasing Green Belt land in sustainable locations over the emerging Plan period, and indeed beyond the Plan period. The extent of Green Belt in the Borough means that slavish protection of its boundaries, for no other reason than its current designation, would stifle the Borough's growth for the foreseeable future. This would be extremely harmful to the Council's regeneration and economic growth agenda. The preparation of a new Local Plan provides the Council with an opportunity to review and strengthen its Green Belt boundaries, whilst also securing its current and future development needs.
11. Furthermore, our Client also notes the provisions of paragraph 137 of the Framework and the exceptional circumstances that are required in order to justify changes to the Green Belt. Building on earlier comments within Matter 2 regarding the proposed housing requirement, it is clear that economic growth in the Borough will be stifled if alterations are not made to Green Belt boundaries. The Council readily accepts that Green Belt land is required in order to deliver the growth and economic prosperity outlined within its Vision; therefore a failure to do so would run directly against this Vision, meaning that the Plan would not be effective.

12. It is also important to note that neighbouring authorities are similarly constrained by Green Belt, meaning that it will likely be challenging to accommodate any of St. Helens' unmet need if Green Belt boundaries were to be retained in the status quo.
13. As highlighted above, the Council's Green Belt Review demonstrates that there is no benefit of keeping poorly performing land permanently open and such land would better serve the Borough by being developed and meeting the needs of its residents (as per paragraph 139 of the Framework).
14. Should the housing requirement increase further (noting our Client's position regarding the housing requirement set out in their response to Matter 2) it is considered necessary that additional sites, including areas of Green Belt, will need to be allocated for development within the Plan period, or as Safeguarded Lane for future development beyond the Plan period. This point is discussed further in subsequent Matter Statements.
15. In summary, our Client does not consider that the presence of Green Belt provides justification for restricting the scale of growth proposed by the Plan, and that there are clear exceptional circumstances that justify the alteration of Green Belt boundaries in St Helens.

Q5 On the assumption that the housing and employment requirements are justified, has the quantum of Green Belt release been supported by proportionate evidence? For example, has effective use of sites in the built-up areas and brownfield land been fully explored, including optimising the use of such land?

16. On behalf of our Client, we consider that the Council has made every effort to identify sources of housing supply from non-Green Belt land and land within built-up areas. If anything, we are of the opinion that the Council has over-estimated the extent of delivery from other sources over the Plan period (dealt with in more detail in our Client's Matter 5 Statement). Our Client would however reiterate their comments in respect of Q4 above, and note that the Plan should allocate (and safeguard) sufficient land in order to be flexible in the event that there is a need to review the housing requirement (on the basis of the economic evidence or as a result of increased demand following the adoption of the LCR SDS) or that allocated sites do not come forward at the rate envisaged. Such flexibility would allow the Council to maintain an adequate housing land supply, in line with the provisions of the Framework.
 17. Our Client's Matter 5 Hearing Statement provides an analysis of a number of the proposed Urban Capacity Sites detailed within the Plan. This assessment has highlighted a number of issues with some of the proposed sites which has the potential to impede their future delivery, meaning that the Council could fall short of meeting its housing requirement. Whilst this is
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discussed further within our Client's response to Matter 5, it is likely that additional sites are required to provide flexibility and ensure a sufficient supply in the event that sites do not come forward as envisaged.

Q6 On a Boroughwide level is the methodology for Green Belt assessment robust and reasonably consistent with that used by adjoining authorities?

18. Our Client considers that the methodology that the Council has adopted for the Green Belt Assessment appears to be broadly consistent with the Framework on a borough-wide basis, but they do not consider that it has been applied on a consistent basis. One example of this would be our Client's land interest located to the south of Rookery Lane, Rainford (GBP_011_C¹) which, despite being on the edge of a Key Settlement, bound to the north, east and west by well established built development, in addition to a proposed employment allocation to the south-east which is subject to an extant planning permission for development (essentially rendering it enclosed by built development), has been retained as Green Belt. The approach taken here is not considered to be consistent with both the Framework or the methodology of the Council's Green Belt Assessment. Matters relating to our Client's land is discussed in more detail within the Matter 4 Hearing Statement.

Issue 3: The principle of safeguarded land being identified to meet longer-term development needs.

The Plan proposes removal of land from the Green Belt to provide safeguarded land to meet longer term housing and employment needs (paragraph 139 of the Framework refers). In response to preliminary questions the Council has sought to explain how the quantum of safeguarded land has been determined (SHBC – PQ45).

Q7 Are the proposals to identify safeguarded land between the urban area and the Green Belt justified to meet longer-term development needs?

19. Yes; as per our Client's response to Q4 and Q5 above. The Council's intention to designate Safeguarded Land for future development is fully supported by our Client, who considers that it to be wholly justified, alongside the removal of land from the Green Belt as allocations to meet development needs within the Plan period and beyond.
20. The Framework dictates that a review of the Green Belt boundaries can only be undertaken in exceptional circumstances, through the review or preparation of a new Local Plan. As has

¹ Identified as Site HS21 in the 2016 Preferred Options Local Plan, where it was proposed for Safeguarding.

been explained above, our Client considers that said exceptional circumstances exist and so it is prudent for the Council to use these circumstances as an opportunity to secure the land it needs for development both now and in the future, so as to not require a further review of the Green Belt at the end of the Plan period. Such action also provides flexibility should a change in circumstances arise, whether this be through an uplift in the housing requirement, or a slump in housing land supply owing to sites coming forward slower than initially anticipated or not at all. In such circumstances there will already be a pool of non-Green Belt sites that are in-principle acceptable locations for development and can be brought forward through a review of the Local Plan.

21. Therefore, the approach the Council has taken in this regard is considered to be sensible and fully justified in principle, notwithstanding that we consider it prudent to release additional land from the Green Belt for both allocation now and for safeguarding, over and above that currently proposed (see Q8 below).

Q8 Has enough or too much land been proposed for safeguarding to meet longer-term development needs?

22. The Council's Housing Need and Supply Background Paper (SD022) indicates that Policy LPA06 identifies that 8 sites are to be removed from the Green Belt, and safeguarded for future development. Said document also confirms that the Council has not used a specific methodology for calculating post-plan housing needs, but rather has utilised the proposed housing requirement of the Plan as a basis for the calculation (i.e. 486 dwellings per annum) and that this, in turn, provides for a combined capacity of the safeguarded sites of 2,641 dwellings, equating to 5.4 years supply. The document indicates that this figure rises to 6.4 years if a highways related cap is removed from Site 3HS.
23. Our Client notes the difficulties of identifying an appropriate requirement beyond the Plan period given the lack of clear guidance on this matter; however, the Council's response to the Inspectors' Preliminary Question on this matter (SHBC001, PQ45) provides no justification for the quantum proposed for safeguarding in the Plan. It is therefore difficult to conclude that the Plan is sound in this respect. Notwithstanding this, our Client would emphasise the position set out in their Matter 2 Hearing Statement that an increased housing requirement would be prudent, based on the economic growth aspirations, affordable housing need and historic rates of delivery. It therefore follows that should the housing requirement increase, so should the amount of Safeguarded Land. Based on the Council's current position, we are not convinced that the designation of between 5.4 – 6.4 years of safeguarded housing land beyond the Plan period, based on the Council's lower housing requirement, is sufficient to

meet longer-term needs.

24. Where the Framework *is* clear is that an adjustment to Green Belt boundaries to identify safeguarded land is with the purpose of meeting longer-term development needs "*stretching well beyond the plan period*" ²(our emphasis). The clear intention is that Green Belt boundaries should not need to be reviewed every time a new Local Plan is prepared. Given the extent of Green Belt constraint in St Helens, merely identifying circa 6 years supply is unlikely to negate the need for further Green Belt review beyond 2035 (or 2037), if growth continues on a similar trajectory. On this basis, our Client does not consider the Local Plan to be consistent with national policy.
25. Given the strength of evidence, and the likelihood that the Council could deliver far more homes than the current proposed housing requirement figure would indicate, for reasons already highlighted, our Client considers that the Council should look to provide additional development land, both for allocation within the Plan, as well as Safeguarded Land for future development, beyond the Plan period. Our Client's land interest at Rookery Lane and Pasture Lane (within parcel reference GBP_011_C), Rainford would represent suitable candidate for either allocation or safeguarding, for reasons explained further within our Client's Matter 4 Statement.

Q9 In general terms is the safeguarded land in the right place to meet longer-term development needs?

26. Whilst there is a certain amount of distribution of the Safeguarded Land across the Borough, our Client does not consider that the sites currently proposed would adequately meet the longer-term development needs of all residents. If it is to do so, then all of the Key Settlements within the Borough should benefit from an element of Safeguarded Land, to ensure that development is targeted towards the most sustainable locations. This however is not currently the case with the Plan, as drafted.
27. One such example would be Rainford, which currently benefits from no Safeguarded Land within the Local Plan. Rainford, alongside Rainford Junction, is a Key Settlement in the Plan's settlement hierarchy and is the largest village in the north of the Borough. Rainford has a local shopping centre, a number of key services and is subject to a proposed new employment allocation (9EA) in the Local Plan, in addition to the existing employment areas such as Hazel Business Park, and Rainford Junction has a train station. Rainford is a sustainable location

² NPPF paragraph 139 c).

for development now, as demonstrated by the current proposed allocations, and it will be even more so in the future through the expansion of its employment land provision and investment from its increased local population as a result of housing allocation 8HA. Rainford should therefore be expected to grow further in the future and this can only be achieved through an amendments to Green Belt boundaries beyond the end of the current Plan period.

28. If the Plan is to truly meet the long-term needs of its residents, then it should meet the needs of *all* residents, and should not leave sustainable settlements constrained without room to expand. Accordingly, our Client considers that additional Safeguarded Land should be provided, particularly within those sustainable Key Settlements which do not currently benefit from a future supply. Our Client's land interests at Rainford (GBP_011_C)) would be well placed in order to fulfil such a purpose, which could deliver in the region 270 high quality dwellings in a sustainable and attractive location – we refer to our Matter 4 Hearing Statement for further details of the related assessment Green Belt boundaries.

Q10 Are the terms of Policy LPA06, particularly in relation to the release of safeguarded land, consistent with national policy?

29. Part 2 of Policy LPA06 indicates that planning permission for the development of the Safeguarded Land for the purposes identified in Tables 4.7 and 4.8 will only be granted following a future Local Plan review that proposes such development. Accordingly, proposals for housing and employment development of Safeguarded Land in the Plan period will be refused. This is considered to be broadly consistent with paragraph 139 of the Framework. It is important that this is monitored regularly and that the Plan includes a suitable mechanism to allow for a review of the Plan (or early release of safeguarded land) should there be a slump in the delivery of housing or should the Council be unable to maintain an adequate supply of housing land.

Issue 4: Compensatory improvements to Green Belt land

Paragraph 138 of the Framework requires that Plans set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements. In response to preliminary questions the Council has sought to explain how the Plan will deliver these improvements (SHBC – PQ47).

Q11 Taking into account the Council's initial response, is the Plan clear on how it would intend to deliver compensatory improvements?

30. As currently written, the Plan provides little detail on the compensatory improvements that

it would expect to be achieved in removing land from the Green Belt, and our Client would recommend that this be clarified within the Plan.

31. Notwithstanding this, our Client notes the Council's response to PQ47, which details a number of compensatory measures, including through the already adopted Bold Forest Park Area Action Plan. The Council also confirms in its response to PQ47 that compensatory improvements will be also addressed on a site by site basis with the main compensatory improvements likely to take the form of expanding and improving public rights of ways in and around proposed development sites, providing opportunities for outdoor sport and recreation on previously inaccessible Green Belt sites, providing woodland and ecological network links, improving access to existing sites and retaining and enhancing landscapes, visual amenity and biodiversity. In this respect, our Client wishes to highlight the opportunity that their land interests in Rainford (proposed housing allocation 8HA and site parcel GBP_011_C) could offer, including through the provision of access and improvements to the Linear Park in Rainford, providing pedestrian access to either the countryside or the village, as well as peripheral landscaping to strengthen the Green Belt boundary to the east of the settlement. In addition, site GBP_011_C has the potential to provide access to the countryside to the south with additional biodiversity benefits to the adjacent local wildlife site. The proposed development of the site would also provide an opportunity to strengthen the Green Belt boundary to the south of Rainford through structural landscaping (detailed further in our Client's Matter 4 Hearing Statement).
32. Furthermore, the Council confirm that compensatory improvements will also be delivered through policies LPA09, LPA11, LPC07, LPC08 and LPC09.
33. Our Client welcomes the clarification provided by the Council in this regard and would encourage this to also be provided in the Plan itself as a Main Modification. Our Client also welcomes that the Council would seek compensatory measures on a site-by-site basis (as opposed to a blanket approach). Such an approach should also be cognisant of financial viability, in recognition that compensatory measures have the potential to impact on the viability of development proposals. Our Client would therefore recommend that flexibility is built into the Plan in this regard to ensure that developments are not unnecessarily burdened by such requirement.
34. Whilst it is noted that the Appendix 5 of the Plan details requirements of individual allocated sites, the requirements are largely silent on compensatory measures specifically relating to the removal land from the Green Belt. Our Client considers that such measures should be set out in the Plan, in order to provide certainty going forward on what is required, to ensure that the delivery of sites is not delayed by negotiations around the viability of the measures

sought.

Q12 On the assumption that the Plan's policies should set out ways that such compensatory improvements would be achieved, what modifications would be necessary?

35. Please refer to Our Client's response to Q11 above. Appendix 5 to the Local Plan provides the opportunity to identify anticipated compensatory improvements on a site-by-site basis, which would provide developers with the necessary clarity to inform emerging site masterplans and, where necessary, assessments of viability.

Issue 5: The spatial distribution

Policy LPA02 identifies a number of key settlements for the focusing of regeneration and growth. However, concerns have been expressed that the distribution of development through allocations does not reflect the size and sustainability of settlements or that allocations are on the periphery of these key settlements.

Q13 Is the spatial distribution of development within the Plan justified?

36. Our Client agrees with the Council's approach in that the majority of new development should be focused towards the most sustainable areas, the Key Settlements, and agrees with the Council that land must be removed from the Green Belt in order to meet the Borough's development needs (notwithstanding our Client's position on the housing requirement). It is noted that paragraph 4.6.3 of the Plan details the Key Settlements, where development should be focused, and the Other Settlements, which only have limited opportunities for development.
37. Our Client considers that this would be better expressed as a settlement hierarchy, which would incorporate a greater degree of justification for the extent and distribution of new housing within each settlement, reflective of its sustainability. The Plan is currently lacking in this respect and instead relies mainly on the allocations and windfall development.
38. It is also noted from Figure 4.1 of the Plan (the Key Settlements Plan Diagram), that the majority of development over the Plan period is directed towards the south of the Borough, with very few sites allocated in the north, despite the presence of sustainable Key Settlements. It is also noted that the current strategy leaves significant settlements with very few (if any) housing allocations. This is not sustainable and it is not reasonable to assume that the development needs of these Key Settlements will be met by windfall development

alone.

39. As stated previously, our Client considers that an uplift in the housing requirement is justified, and so the Council should seek to allocate additional sites in order to address this. This would also provide an opportunity to redress the balance of spatial distribution, and allocate additional sites in the north of the Borough, on the edge of existing Key Settlements. This is also the case for Safeguarded Land, noting our Client's earlier comments in respect of the spatial distribution of the Safeguarded Land (Q9, above), and the absence of such sites within certain settlements (Rainford for example).

Q14 Has the spatial distribution had regard to the impacts on climate change, including CO2 emissions?

40. Our Client has no comments to make in this respect.

Issue 6: Site Selection

Paragraph 4.6.10 of the Plan summarises the approach to the selection of sites to be removed from the Green Belt to meet development needs. The GB assessments referred to under Issue 2 are an important part of this process but other factors such as accessibility, infrastructure and deliverability have been taken into account (see also paragraphs 6.24 – 6.28 of SD026 and SD020).

Q15 Taking into account the range of factors considered in site selection, has the Council's approach been robust, positive and justified?

41. Our Client is generally supportive of the methodology adopted by the Council in the selection of sites, notwithstanding our previous comments in relation to the spatial distribution of development sites and the requirement for additional sites to be allocated. We also draw the Inspectors attention to our Client's Matter 4 Hearing Statement in respect of sub-parcel GBP_011_C, where the robustness of the Council's conclusions set out in SD020 and SD021 in relation to that site are not sufficiently justified. Consequently, whilst the methodology and overall approach is considered to be appropriate, the conclusions on individual site assessments are not necessarily robust and justified.
42. The Plan confirms that sites have been identified on the basis of their scope to be developed whilst minimising harm to the overall function of the Green Belt, and their suitability for development in other respects. The criteria used have included their physical suitability for development, accessibility by sustainable transport modes to services and facilities, levels of

existing or potential future infrastructure provision, their economic viability for development, and the impact that their development would have on the environment.

43. Our Client's earlier representations, and Hearing Statements, urge the Council to consider additional sites, particularly in those areas which do not benefit from many (or indeed any) allocations, as well as those areas of highest accessibility (including Rainford) both to redress the balance of sites across the Borough, but also to provide additional flexibility should there be an uplift in the housing requirement, as has been discussed previously. Our Client would also stress that, as an experienced volume housebuilder, Miller Homes would be capable of delivering two sustainable developments within the Borough, and make an important contribution to meeting the housing needs of Rainford and the growth aspirations of the Council as a whole.

Issue 7: Policies LPA03 and LPA01

Policy LPA03 sets out development principles that form the basis for more detailed policies of the Plan.

Q16 Is Policy LPA03 consistent with national policy and effective?

44. Our Client has no specific comments to make in relation to Policy LPA03.

Policy LPA01 (Presumption in Favour of Sustainable Development) seeks to replicate paragraph 11 of the Framework. However, the PPG advises that 'there is no need for a plan to directly replicate the wording in paragraph 11 in a policy'. The Council has agreed to delete the policy. However, it is noted that some representors support the policy.

Q17 Is Policy LPA01 necessary for the soundness of the Plan?

45. Policy LPA01 of the draft Local Plan sets out the Council's approach to sustainable development during the Plan Period. The Plan outlines at paragraph 4.3.2 that the operation of this Policy will be guided by paragraph 11 of the NPPF (as revised in July 2018). This version of the NPPF has now been replaced by the February 2019 iteration and so is inconsistent with the most up-to-date iteration of national planning policy.
46. Whilst the Policy follows the broad thrust of the NPPF, it introduces additional wording and tests which are not present within paragraph 11 of the NPPF. For example, point 2 of the Policy outlines that planning applications which accord with the Local Plan will be approved

without delay unless material considerations indicate otherwise. The material considerations test is no longer included within paragraph 11 of the Framework and in this regard the Policy is inconsistent with the Framework.

47. Furthermore, the Policy does not allow for a balance to be struck between benefits and harm; this is outlined within paragraph 11 of the Framework and again Policy LPA01 is inconsistent with national policy in this regard.
48. Our Client remains concerned that the principles of sustainability advocated by Policy LPA01 do not accord with those outlined within the Framework, and therefore object to the Policy on these grounds. Our Client considers that the Policy should be compliant with the provisions for sustainable development as outlined within the Framework, but considers that should this be the case, the Policy would not need to be included within the Plan as it would simply be repeating the contents of the Framework. On this basis, our Client recommends that Policy LPA01 be removed from the Plan in its entirety.